

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALFRED SOLER,	:	10 Civ. 4342 (LAP)
	:	05 Cr. 165 (LAP)
Petitioner,	:	
	:	Order Adopting Report and
	:	Recommendation
v.	:	
	:	
UNITED STATES OF AMERICA,	:	
	:	
	:	
Respondent.	:	
-----X	:	

LORETTA A. PRESKA, Chief United States District Judge:

Alfred Soler ("Petitioner"), proceeding pro se, moves pursuant to 28 U.S.C. § 2255 ("§ 2255"), to vacate, set aside or correct his judgment of conviction in the underlying criminal matter, United States v. Soler, No. 05 Cr. 165. (See Motion to Vacate, Set Aside or Correct Sentence, dated June 2, 2010 (the "§ 2255 Motion") [dkt. no. 1].)¹ Petitioner is currently serving three concurrent life sentences as a result of his conviction on charges in connection with murder carried out in the course of a narcotics conspiracy. (See Report and Recommendation, dated Sept. 18, 2013 ("Report and Recommendation") [dkt. no. 30], 1.) Petitioner asserts no fewer than ten claims of violations of his right to the effective assistance of trial and appellate

¹ Unless indicated otherwise, all docket citations are to Petitioner's civil case, 10 civ. 4342.

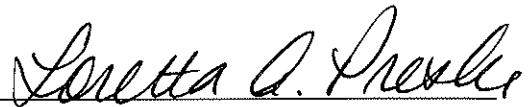
counsel. (See §2255 Motion.) Subsequently, Petitioner moved to amend the § 2255 Motion to add a new claim based on the contention that he was denied the effective assistance of trial counsel. (See Amendment Motion pursuant to Rule 15(c), dated Sept. 21, 2010 ("Amendment Motion") [dkt. no. 7].)

On September 18, 2013, United States Magistrate Judge Michael H. Dolinger issued his Report and Recommendation. The Report and Recommendation is sixty-six pages and painstakingly examines each of Petitioner's claims that he was denied effective assistance of counsel. (See generally Report and Recommendation.) Ultimately, after a detailed analysis of each argument, the Report and Recommendation concludes that this Court should dismiss Petitioner's § 2255 Motion because he fails to meet the standard to establish he was denied effective assistance of counsel. (See Strickland v. Washington, 466 U.S. 668, 677.) The Report and Recommendation also recommends denying Petitioner's Amendment Motion, on the grounds that this subsequent motion is untimely and not rescued by Fed. R. Civ. P. 15(c).

Having received no objections and finding Judge Dolinger's analysis to be correct and appropriate upon de novo review, see Fed. R. Civ. P. 72(b), the Report and Recommendation [dkt. no. 30] is hereby ADOPTED. Accordingly, the § 2255 Motion [dkt. no. 1] and Amendment Motion [dkt. no. 7] are DENIED. The Clerk of Court shall close the above-captioned case, 10 Civ. 4342, and mark all pending motions denied as moot.

SO ORDERED.

DATED: New York, New York
August 14, 2015


LORETTA A. PRESKA
Chief U.S. District Judge